IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10352 OF 2004

Madhukar Dagadu Deshmukh..... .. Petitioner.

Versus

State of Maharashtra & Anr.. .... Respondents.

Mr. R.D.Soni i/by M/s. Ram & Co.,
for the Petitioners.

Mr. P.M.Patil, AGP for the Respondents.

CORAM : DALVEER BHANDARI, C.J. &

S. A. BOBDE, J.

DATED : JANUARY 11, 2005.

P.C.:

Rule. By consent, Rule made returnable forthwith and taken up for hearing.

2. Mr. Patil, learned Asstt. Government Pleader appears and waives service of Rule on behalf of the Respondents.

3. By this petition, the petitioners are seeking a very limited relief whereby the petitioners' application which is pending before the respondent No.2 - Collector, Raigad under Section 28A of the Land Acquisition Act, 1894, may be decided expeditiously.

It appears that pertaining to the same notification which covers the land involved in this petition, on 6th December, 2000, the Reference Court has granted enhanced compensation. Based on the same, an application was filed under Section 28A of the Land Acquisition Act on 27th February, 2001 which is within the prescribed period of 90 days.

4. In the aforesaid facts and circumstances, we direct the respondent No.2 - Collector, Raigad to decide the said application for enhancement of compensation under Section 28A of the land Acquisition Act as expeditiously as possible, preferably within three months from the date of receipt of this order. While doing so, the respondent No.2 - Collector, Raigad, shall also take into account the decision of the Supreme Court in the case of **Union of India and Ors. Vs. Mangatu Ram,** *reported in AIR 1997 SC 2704*, which is annexed as Exhibit "B" to the petition.

5. No further directions are necessary. Rule made absolute in the above terms. Writ Petition is, accordingly, disposed of.

Sd/-

CHIEF JUSTICE

Sd/-

S. A. BOBDE, J.